

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF HAWAII

In the Matter of the )

PUBLIC UTILITIES COMMISSION )

DOCKET NO. 2008-0273

Instituting a Proceeding to )  
Investigate the Implementation )  
Of Feed-in Tariffs. )  
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RESPONSES TO (I) APPENDIX A QUESTIONS AND  
(II) OTHER THRESHOLD ISSUES IN APPENDIX C  
OF THE NATIONAL REGULATORY RESEARCH INSTITUTE SCOPING PAPER

BY

HAWAII HOLDINGS, LLC,  
DOING BUSINESS AS FIRST WIND HAWAII

and

CERTIFICATE OF SERVICE

FILED  
2009 JAN 26 P 1:07  
PUBLIC UTILITIES  
COMMISSION

Of Counsel:

CARLSMITH BALL LLP

GERALD A. SUMIDA  
TIM LUI-KWAN  
NATHAN C. NELSON  
ASB Tower, Suite 2200  
1001 Bishop Street  
Honolulu, Hawaii 96813  
Tel. No. (808) 523-2500

Attorneys for Hawaii Holdings, LLC,  
Doing Business as First Wind Hawaii

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HAWAII HOLDINGS, LLC,  
DOING BUSINESS AS FIRST WIND HAWAII

TO THE HONORABLE PUBLIC UTILITIES COMMISSION OF THE STATE OF HAWAII:

HAWAII HOLDINGS, LLC, doing business as First Wind Hawaii, a Delaware limited liability company ("First Wind"), respectfully submits its preliminary responses set forth below to (i) Appendix A PBFiT Supporting Cost Information questions, and (ii) Other Threshold Issues in Appendix C, both parts of the National Regulatory Research Institute ("NRRI") scoping paper entitled *Feed-in Tariffs: Best Design Focusing Hawaii's Investigation* (December 2008) (the "Scoping Paper"). The Commission, by its letter, dated December 11, 2008, to the parties in this docket directed them to respond to such items listed in (i) and (ii) above. First Wind submits its preliminary responses below for the Commission's consideration and use in its deliberations

on these and related issues, but since this docket is in its initial stages, respectfully reserves its right to further elaborate its responses in future submissions in this docket as may be appropriate.

## **I. APPENDIX A - COST DATA FORMS**

### **1. The Nature of First Wind's Wind Energy Projects in Hawaii and the Apparent Focus of the Scoping Paper's PBFiT Supporting Cost Information Form Questions.**

First Wind, through its affiliates, has developed the 30 megawatt ("MW") Kaheawa Wind Power Project, located at Kaheawa Pastures, Maui, Hawaii, and sells the electric energy generated to Maui Electric Company, Limited ("MECO") pursuant to a Power Purchase Agreement ("PPA") that has been approved by the Commission. First Wind, through its affiliates, is also developing (i) a 21 MW wind energy project adjacent to the Kaheawa Wind Power Project site, and will sell electric energy generated therefrom to MECO, (ii) a 30 MW wind energy project in Kahuku, Oahu, and will sell electric energy generated therefrom to Hawaiian Electric Company, Inc. ("HECO"), and (iii) a 350 MW wind energy project on Molokai, and will sell electric energy generated therefrom to HECO. First Wind does not plan to develop any smaller-sized wind energy projects in Hawaii.

The Scoping Paper focuses on project-based feed-in tariffs ("PBFiT"). *Id.* at 1, 5. It states that the purpose of PBFiTs is "to encourage project development", i.e., "the development of specific renewable technologies by establishing a rate that allows developers to recover reasonable costs and earn a profit." *Id.* at 1, 5.

The Scoping Paper describes certain "general PBFiT issues" that policy makers should consider, including, among other items, "typical costs and operating characteristics for that type of project [being considered to be encouraged], rather than the costs and characteristic [sic] of a single project using that technology." *Id.* at 6. It then requests the parties to this docket

to provide detailed cost data "for each type of project (e.g., large solar PV on Oahu on public lands) for which they want to propose a PBFiT." *Id.* at 8. It later gives an example of how these project costs could be converted to PBFiT rates, and uses an example of a project whose total project cost is \$100,000.00. *Id.* at 10.

Subsequent to issuance of the Scoping Paper, HECO, MECO and Hawaii Electric Light Company, Inc. ("HELCO") (collectively, the "HECO Companies") and the Division of Consumer Advocacy, Department of Commerce and Consumer Affairs (the "Consumer Advocate") filed with the Commission on December 23, 2008, their *Joint Proposal on Feed-In Tariffs of the HECO Companies and Consumer Advocate* (the "Joint Proposal"), to which is attached the *HECO Feed-in Tariff Program Plan* (December 23, 2008), prepared by KEMA for the HECO Companies (the "KEMA Report"). The plan set forth in the Joint Proposal describes the capacity for the eligible projects for the first phase of the plan to be as follows:

Technology	Capacity	Island
Photovoltaic (PV)	up to and including 500 kW	Oahu
	up to and including 250 kW	Maui, Hawaii
	up to and including 100 kW	Lanai, Molokai
Concentrated Solar Power (CSP)	up to and including 500 kW	Oahu, Maui, Hawaii
	up to and including 100 kW	Lanai, Molokai
In-line hydro	up to and including 100 kW	Oahu, Maui, Lanai, Molokai, Hawaii
Wind	up to and including 100 kW	Oahu, Maui, Lanai, Molokai, Hawaii

Joint Proposal at 9-10; KEMA Report at 15.

Based on the Scoping Paper's focus and the plan set forth in the Joint Proposal, it appears that the PBFiT, or more generally the FiT, program will center on projects that are considerably smaller in capacity than any of First Wind's existing wind energy project and the several wind energy projects that it is currently developing. Further, each of First Wind's projects, in addition to being large-scale utility-sized projects, has design, total development cost,

development requirements, financing, energy pricing, performance requirements, location and other characteristics that are unique to each project. Even if First Wind were to consider all of its Hawaii projects together, it would not be possible to identify or determine the "typical" costs or characteristics of its several Hawaii projects.

2. The Inapplicability of the PBFiT Cost Information Forms Questions to First Wind and its Large-Scale Wind Energy Projects. As noted above, First Wind does not plan to develop any wind energy projects in Hawaii that are significantly smaller than those listed (and certainly not within the capacity sizes proposed in the Joint Proposal or seemingly contemplated by the Scoping Paper), and does not plan to submit any project to the proposed PBFiT in its present proposed form. First Wind negotiated a PPA for its existing wind energy project, and is currently completing PPA negotiations for each of its wind energy projects under development.

As a result, First Wind is unable to provide, based on its own existing project and projects under development, the information called for in Appendix A to the Scoping Paper. Finally, if the Commission requests First Wind to provide any cost and related information on its existing wind energy project and/or on any of its wind energy projects under development, First Wind would endeavor to provide the information requested to the Commission and the Consumer Advocate on a confidential basis, as and if appropriate, pursuant to the Protective Order, filed on January 6, 2009, in this docket.

## **II. APPENDIX C - OTHER THRESHOLD ISSUES**

### **Other Threshold Issues**

1. Feed-in tariffs, if approved by the Commission, would join an array of legislative and regulatory initiatives to boost production of renewables in Hawaii. Those initiatives include PURPA, the renewable portfolio standard, net metering and various distributed

generation actions. Are there overlaps, redundancies, gaps among these multiple initiatives? What is the independent purpose of each of these, in relation to the others?

**RESPONSE:**

At this point in this docket, it is unclear what PBFiT or FiT plan, its provisions and requirements and its potentially phased implementation will be, and until these are determined, it is difficult, if not impossible, to respond definitively to these questions. The Joint Proposal addresses many of these issues from its preliminary perspective. However, other perspectives from the other parties in this docket as well as from the Commission itself may influence the final form of the PBFiT or FiT plan.

**Process and General Feed-in Tariff Issues**

2. Please explain the criticality of completing the "best-design" phase of this investigation by March 2009 and having project-based FiTs in place by July 2009 as called for in the Agreement.

**RESPONSE:**

Given the goals of the Hawaii Clean Energy Initiative, issued in January, 2008 (the "HCEI") and the specific objectives in the Energy Agreement, signed on October 22, 2008 (the "Energy Agreement"), both of which are based on the critical energy needs facing the State of Hawaii, it is very important to continue moving forward as expeditiously as possible to examine and make final determinations on all such initiatives which will fulfil the HCEI goals and Energy Agreement objectives. Once these determinations are made -- including whether or not to adopt an PBFiT scheme or a more general FiT scheme and if so, what that scheme will be -- it will then be essential to begin and complete implementation of that scheme as quickly as possible. In addition, there will at the same time be continuing and new initiatives to develop a host of renewable energy projects. First Wind, for example, is concluding its PPA arrangements with HECO and MECO and the development of its several wind energy projects. The progress of this docket will be part of this overall effort, hopefully to the State's benefit.

3. Please explain why project-based FiTs are superior to other methods that require a utility to purchase renewable electricity.

**RESPONSE:**

In light of First Wind's basic purpose, which is to develop, own and operate large-scale wind energy projects and to sell the electric energy generated therefrom to electric utilities, First Wind does not have any response to this specific question, but does note that PURPA, the regulations issued by the Federal Regulatory Commission thereunder (the "FERC Regulations"), and the Standards for Small Power Production and Cogeneration issued by the Commission (the "PUC Standards") have all been essential in developing nationwide and in Hawaii the many renewable energy projects that have been developed to date and that are currently being developed.

4. Please quantify the costs over avoided costs of an open-ended PBFiT program assuming the utility meets the RPS goals set forth in the Agreement.

**RESPONSE:**

In light of First Wind's basic purpose, which is to develop, own and operate large-scale wind energy projects and to sell the electric energy generated therefrom to electric utilities, First Wind does not have any response to this specific question.

5. Please quantify the benefits of lowering oil imports, increasing energy security, and increasing both jobs and tax base for the state mentioned in the Agreement.

**RESPONSE:**

In light of First Wind's basic purpose, which is to develop, own and operate large-scale wind energy projects and to sell the electric energy generated therefrom to electric utilities, First Wind does not have any response to this specific question, but does believe that the State of Hawaii (especially through its Department of Business, Economic Development and Tourism) has for many years undertaken studies on these matters and that such studies, including those of the U.S. Department of Energy and other federal and state agencies, can provide the information requested by this question.

6. Is the goal to encourage as much use of renewable resources as possible as soon as possible, or is it to encourage the orderly introduction of renewable resources based upon cost effectiveness?

**RESPONSE:**

First Wind is not entirely certain of the import of this question, since the HCEI, the Energy Agreement and various laws and policies adopted by the State of Hawaii over the years have encouraged and promoted the development of Hawaii's indigenous renewable resources, and such resources have been, and continue to be, developed, especially for purposes of meeting the State's electric energy needs. Those efforts have, to First Wind's best knowledge and belief and with respect to its own wind energy projects, been pursued on a cost-effective basis. First Wind believes that both the promotion of the State's renewable energy resources and their cost-effective development (which includes efforts by the renewable energy developers, the utilities, and the governmental authorities) are complementary elements in these efforts.

7. How long a period should exist between mandatory Commission reviews of the PBFiTs?

**RESPONSE:**

In light of First Wind's basic purpose, which is to develop, own and operate large-scale wind energy projects and to sell the electric energy generated therefrom to electric utilities, First Wind does not have any response to this specific question.

## **PBFiT General Design Issues**

8. Do each of the technologies listed as a renewable resource in the RPS legislation require a PBFiT?

### **RESPONSE:**

In light of First Wind's basic purpose, which is to develop, own and operate large-scale wind energy projects and to sell the electric energy generated therefrom to electric utilities, First Wind does not have any response to this specific question.

9. Should PBFiTs for certain technologies be established now while others are deferred?

### **RESPONSE:**

In light of First Wind's basic purpose, which is to develop, own and operate large-scale wind energy projects and to sell the electric energy generated therefrom to electric utilities, First Wind does not have any response to this specific question.

10. Should the Commission cap purchases under PBFiTs? If yes, what is the maximum amount? Should individual caps be set for each technology? What period should the cap cover? What is the measurement for the cap (e.g., dollars, percent of sales, kW, or kWh)?

### **RESPONSE:**

In light of First Wind's basic purpose, which is to develop, own and operate large-scale wind energy projects and to sell the electric energy generated therefrom to electric utilities, First Wind does not have any responses to these specific questions.

11. What limitations exist for integrating renewable resources onto the grid? Should these limits affect the PBFiT design or caps, or are they just another cost that developers must consider?

### **RESPONSE:**

In light of First Wind's basic purpose, which is to develop, own and operate large-scale wind energy projects and to sell the electric energy generated therefrom to electric utilities, First Wind does not have any responses to these specific question, but does note that grid integration matters and requirements have been covered by interconnection requirements studies by the utility.

## **Specific Tariff Design Issues**

12. How long should the Commission set for the PBFiT's term of obligation? Should it be different for different technologies? Is there a common basis (e.g., a conservative estimate of expected useful life) for establishing the term of obligation? On what basis should a utility pay for electricity after the term expires?



**RESPONSE:**

In light of First Wind's basic purpose, which is to develop, own and operate large-scale wind energy projects and to sell the electric energy generated therefrom to electric utilities, First Wind does not have any responses to these questions.

13. Should PBFiTs require the utility to purchase the project's gross or net output at the PBFiT price?

**RESPONSE:**

In light of First Wind's basic purpose, which is to develop, own and operate large-scale wind energy projects and to sell the electric energy generated therefrom to electric utilities, First Wind does not have any response to this specific question.

14. How should the utility determine the price paid for renewable energy not covered by a PBFiT (e.g., purchases above the cap or beyond the term of obligation)?

**RESPONSE:**

First Wind is not certain of the import of this question, since the price paid by a utility for renewable energy that is not covered by a PBFiT or FiT would presumably be determined by negotiations between the utility and the developer and otherwise be subject to PURPA, the FERC Regulations, the PUC Standards and H.R.S. §269-27.2.

15. What inflation adjustment, if any, should the PBFiT include, using what base and indexes?

**RESPONSE:**

In light of First Wind's basic purpose, which is to develop, own and operate large-scale wind energy projects and to sell the electric energy generated therefrom to electric utilities, First Wind does not have any response to this specific question.

16. What milestones (e.g., commercial operations) should the Commission set to determine *eligibility for the PBFiT*? *Are Hawaii's RPS statute requirements an eligibility requirement*? Should utility affiliates be eligible to receive the PBFiT price?

**RESPONSE:**

In light of First Wind's basic purpose, which is to develop, own and operate large-scale wind energy projects and to sell the electric energy generated therefrom to electric utilities, First Wind does not have any response to these questions, but does note that the question of whether utility affiliates should be eligible for PBFiT is a question that should be determined by the Commission or the State.

17. Please comment on the need for stepped tariffs based upon location, size, fuel mix, and output.

**RESPONSE:**

In light of First Wind's basic purpose, which is to develop, own and operate large-scale wind energy projects and to sell the electric energy generated therefrom to electric utilities, First Wind does not have any response to this specific question.

18. Under what circumstances should the PBFiT price be time-differentiated?

**RESPONSE:**

In light of First Wind's basic purpose, which is to develop, own and operate large-scale wind energy projects and to sell the electric energy generated therefrom to electric utilities, First Wind does not have any response to this specific question.

19. How highly leveraged (i.e., bearing how much debt compared to equity) are these projects?

**RESPONSE:**

In light of First Wind's basic purpose, which is to develop, own and operate large-scale wind energy projects and to sell the electric energy generated therefrom to electric utilities, First Wind does not have any response to this specific question.

20. Does a PBFiT create a financing environment through a reliable revenue stream from the ratepayer to the investor, allowing for greater leverage and thus lower cost financing than would be available under an avoided-cost tariff?

**RESPONSE:**

In light of First Wind's basic purpose, which is to develop, own and operate large-scale wind energy projects and to sell the electric energy generated therefrom to electric utilities, First Wind does not have any response to this specific question, but does observe that the question seems to suggest its answer.

21. If the PBFiTs are to encourage early development of resources, does the reasonable return need to be set higher for these early tariffs? Are there reasons other than encouraging early development to set the profit margin higher, such as risks associated with early implementation? Is this true across all project classes?

**RESPONSE:**

In light of First Wind's basic purpose, which is to develop, own and operate large-scale wind energy projects and to sell the electric energy generated therefrom to electric utilities, First Wind does not have any response to these questions, but does note that significant projects have been completed, and are underway, on all islands that harness

Hawaii's indigenous renewable energy resources, and that PBFiT's would probably complement these existing projects and projects under development.

22. Does the current "credit crunch" affect the financing costs, including expected profits by equity investors?

**RESPONSE:**

As a general observation with respect to obtaining financing in today's market, First Wind agrees that the current "credit crunch" does affect both the availability of financing for wind energy projects as well as the costs and terms and conditions of such financing.

**Related Issues**

23. Please provide a quantitative analysis demonstrating the public interest aspect of the concept that 10% of the utility's purchases under the feed-in tariff PPA should be included in the utility's rate base through 2015. In addition to the overall prudence of the rate base recommendation, please address the 10% and 2015 date included in the Agreement.

**RESPONSE:**

In light of First Wind's basic purpose, which is to develop, own and operate large-scale wind energy projects and to sell the electric energy generated therefrom to electric utilities, First Wind does not have any responses to these questions.

24. What is the appropriate rate of return for the PBFiT portion of rate base that consists of a mandated purchase with guaranteed recovery and no capital outlay?

**RESPONSE:**

In light of First Wind's basic purpose, which is to develop, own and operate large-scale wind energy projects and to sell the electric energy generated therefrom to electric utilities, First Wind does not have any response to this specific question.

25. Are there preferable utility incentives, other than putting PBFiT revenues into the rate base, to encourage the development of renewable resources?

**RESPONSE:**

From First Wind's perspective, there may be such incentives, but the most basic and effective bases to date to encourage the development of Hawaii's renewable energy resources have been PURPA, the FERC Regulations, the PUC Standards, H.R.S. §269-27.2, the policies and laws adopted by the State and the various County governments, and the actions and initiatives of the Commission, among others.

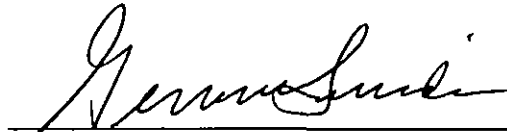
26. Should the PBFiT require developers to assign credits (e.g., investment tax credits, renewable energy credits, and carbon credits) earned from a project to the purchasing utility as a condition of receiving payments under the PBFiT? If not, how should these credits be included in the estimation of a typical project's cost?

**RESPONSE:**

In light of First Wind's basic purpose, which is to develop, own and operate large-scale wind energy projects and to sell the electric energy generated therefrom to electric utilities, First Wind does not have any responses to these questions, but does observe that renewable energy developers should not be required to assign credits (especially investment and other tax credits but also renewable energy credits, carbon credits and similar credits) to the utility.

Respectfully submitted:

DATED: Honolulu, Hawaii, January 26, 2009.



GERALD A. SUMIDA  
TIM LUI-KWAN  
NATHAN C. NELSON

Attorneys for Hawaii Holdings, LLC,  
Doing Business as First Wind Hawaii

CERTIFICATE OF SERVICE

I hereby certify that I have this date served copies of the foregoing motion upon the following parties, by causing copies hereof to be hand delivered or electronically transmitted to each such party as follows:

CATHERINE P. AWAKUNI  
EXECUTIVE DIRECTOR  
DEPT OF COMMERCE & CONSUMER AFFAIRS  
DIVISION OF CONSUMER ADVOCACY  
P.O. Box 541  
Honolulu, Hawaii 96809

2 Copies  
Via Hand Delivery

DEAN MATSUURA  
MANAGER  
REGULATORY AFFAIRS  
HAWAIIAN ELECTRIC COMPANY, INC.  
P.O. Box 2750  
Honolulu, HI 96840-0001

Electronically Transmitted

JAY IGNACIO  
PRESIDENT  
HAWAII ELECTRIC LIGHT COMPANY, INC.  
P. O. Box 1027  
Hilo, HI 96721-1027

Electronically Transmitted

EDWARD L. REINHARDT  
PRESIDENT  
MAUI ELECTRIC COMPANY, LTD.  
P. O. Box 398  
Kahului, HI 96732

Electronically Transmitted

THOMAS W. WILLIAMS, JR., ESQ.  
PETER Y. KIKUTA, ESQ.  
DAMON L. SCHMIDT, ESQ.  
GOODSILL, ANDERSON QUINN & STIFEL  
Alii Place, Suite 1800  
1099 Alakea Street  
Honolulu, Hawaii 96813

Electronically Transmitted

ROD S. AOKI, ESQ.  
ALCANTAR & KAHL LLP  
120 Montgomery Street  
Suite 2200  
San Francisco, CA 94104

Electronically Transmitted

MARK J. BENNETT, ESQ.  
DEBORAH DAY EMERSON, ESQ.  
GREGG J. KINKLEY, ESQ.  
DEPARTMENT OF THE ATTORNEY GENERAL  
425 Queen Street  
Honolulu, Hawaii 96813  
Counsel for DBEDT

Electronically Transmitted

CARRIE K.S. OKINAGA, ESQ.  
GORDON D. NELSON, ESQ.  
DEPARTMENT OF THE CORPORATION COUNSEL  
CITY AND COUNTY OF HONOLULU  
530 South King Street, Room 110  
Honolulu, Hawaii 96813

Electronically Transmitted

LINCOLN S.T. ASHIDA, ESQ.  
WILLIAM V. BRILHANTE JR., ESQ.  
MICHAEL J. UDOVIC, ESQ.  
DEPARTMENT OF THE CORPORATION COUNSEL  
COUNTY OF HAWAII  
101 Aupuni Street, Suite 325  
Hilo, Hawaii 96720

Electronically Transmitted

MR. HENRY Q CURTIS  
MS. KAT BRADY  
LIFE OF THE LAND  
76 North King Street, Suite 203  
Honolulu, Hawaii 96817

Electronically Transmitted

MR. CARL FREEDMAN  
HAIKU DESIGN & ANALYSIS  
4234 Hana Highway  
Haiku, Hawaii 96708

Electronically Transmitted

MR. WARREN S. BOLLMEIER II  
PRESIDENT  
HAWAII RENEWABLE ENERGY ALLIANCE  
46-040 Konane Place, #3816  
Kaneohe, Hawaii 96744

Electronically Transmitted

DOUGLAS A. CODIGA, ESQ.  
SCHLACK ITO LOCKWOOD PIPER & ELKIND  
TOPA FINANCIAL CENTER  
745 Fort Street, Suite 1500  
Honolulu, Hawaii 96813  
Counsel for BLUE PLANET FOUNDATION

Electronically Transmitted

MR. MARK DUDA  
PRESIDENT  
HAWAII SOLAR ENERGY ASSOCIATION  
P.O. Box 37070  
Honolulu, Hawaii 96837

Electronically Transmitted

MR. RILEY SAITO  
THE SOLAR ALLIANCE  
73-1294 Awakea Street  
Kailua-Kona, Hawaii 96740

Electronically Transmitted

JOEL K. MATSUNAGA  
HAWAII BIOENERGY, LLC  
737 Bishop Street, Suite 1860  
Pacific Guardian Center, Mauka Tower  
Honolulu, Hawaii 96813

Electronically Transmitted

KENT D. MORIHARA, ESQ.  
KRIS N. NAKAGAWA, ESQ.  
SANDRA L. WILHIDE, ESQ.  
MORIHARA LAU & FONG LLP  
841 Bishop Street, Suite 400  
Honolulu, Hawaii 96813  
Counsel for HAWAII BIOENERGY, LLC  
Counsel for MAUI LAND & PINEAPPLE COMPANY, INC.

Electronically Transmitted

MR. THEODORE E. ROBERTS  
SEMPRA GENERATION  
101 Ash Street, HQ 12  
San Diego, California 92101

Electronically Transmitted

MR. CLIFFORD SMITH  
MAUI LAND & PINEAPPLE COMPANY, INC.  
P.O. Box 187  
Kahului, Hawaii 96733

Electronically Transmitted

MR. ERIK KVAM  
CHIEF EXECUTIVE OFFICER  
ZERO EMISSIONS LEASING LLC  
2800 Woodlawn Drive, Suite 131  
Honolulu, Hawaii 96822

Electronically Transmitted

JOHN N. REI  
SOPOGY INC.  
2660 Waiwai Loop  
Honolulu, Hawaii 96819

Electronically Transmitted

GERALD A. SUMIDA, ESQ.  
TIM LUI-KWAN, ESQ.  
NATHAN C. NELSON, ESQ.  
CARLSMITH BALL LLP  
ASB Tower, Suite 2200  
1001 Bishop Street  
Honolulu, Hawaii 96813  
Counsel for HAWAII HOLDINGS, LLC, dba FIRST WIND HAWAII

Electronically Transmitted

MR. CHRIS MENTZEL  
CHIEF EXECUTIVE OFFICER  
CLEAN ENERGY MAUI LLC  
619 Kupulau Drive  
Kihei, Hawaii 96753

Electronically Transmitted

MR. HARLAN Y. KIMURA, ESQ.  
CENTRAL PACIFIC PLAZA  
220 South King Street, Suite 1660  
Honolulu, Hawaii 96813  
Counsel for TAWHIRI POWER LLC

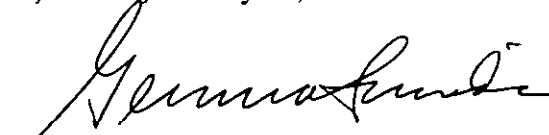
Electronically Transmitted

SANDRA-ANN Y.H. WONG, ESQ.  
ATTORNEY AT LAW, A LAW CORPORATION  
1050 Bishop Street, #514  
Honolulu, HI 96813  
Counsel for ALEXANDER & BALDWIN, INC.,  
Through its division, HAWAIIAN COMMERCIAL & SUGAR COMPANY

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DATED: Honolulu, Hawaii, January 26, 2009.

A handwritten signature in dark ink, appearing to read 'Gerald A. Sumida', is written over a horizontal line.

GERALD A. SUMIDA  
TIM LUI-KWAN  
NATHAN C. NELSON

Attorneys for Hawaii Holdings, LLC,  
Doing Business as First Wind Hawaii